

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LUCY W KAIRU,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 2:22-cv-00154-BJR

JOINT STATUS REPORT AND
DISCOVERY PLAN

JOINT STATUS REPORT

Pursuant to FRCP 26, the applicable Local Rules, and the Court's Order Regarding Initial Disclosures, Joint Status Report and Discovery Plan (Dkt. 8), the parties, by and through the undersigned counsel, and having conducted an FRCP 26(f) conference, hereby submit this Joint Status Report and Discovery Plan.

1. NATURE AND COMPLEXITY OF CASE

Plaintiff brings this action against the United States alleging she was injured as a result of negligence by healthcare providers at SeaMar Community Health Centers, a federally funded medical facility. The United States denies Plaintiff's allegations.

1 **2. PROPOSED DEADLINE FOR JOINING ADDITIONAL PARTIES**

2 August 1, 2022.

3 **3. CONSENT TO MAGISTRATE JUDGE**

4 No.

5 **4. PROPOSED DISCOVERY PLAN**

6 (A) Initial Disclosures

7 The parties will exchange Initial Disclosures on June 9, 2022.

8 (B) Subjects, Timing, and Potential Phasing of Discovery

9 The parties anticipate the need to conduct discovery on liability, defenses and damages.

10 The parties do not presently believe that discovery should be conducted in phases or be limited.

11 (C) Electronically Stored Information

12 The parties do not anticipate any issues concerning the disclosure of, or discovery of,
13 electronically stored information or data. In the event issues of this nature arise, the parties will
14 agree to work together to resolve all issues before filing any motions with the court.

15 (D) Privilege Issues

16 The parties agree to work together to resolve any issues that may arise concerning
17 privileges.

18 (E) Proposed Limitations on Discovery

19 The parties agree that no limitations shall be made on discovery subject to the Federal and
20 Local Rules.

21 (F) Discovery Related Orders

22 At this time, the parties do not anticipate the need for any additional orders under Local
23 Rules 16 or 26.

1 **5. PARTIES' VIEWS, PROPOSALS, AGREEMENTS ON LCR 26(f)(1)**

2 (A) Prompt Case Resolution

3 The parties do not have a proposal for prompt case resolution.

4 (B) Alternative Dispute Resolution

5 The parties are open to ADR, but initial discovery will need to be completed for this
6 process to be productive.

7 (C) Related Cases

8 None.

9 (D) Discovery Management

10 The parties will work together to resolve discovery disputes prior to filing any motions.

11 (E) Anticipated Discovery Sought

12 *See* section 4(B).

13 (F) Phasing Motions

14 The parties do not see the need for phasing motions at this time.

15 (G) Preservation of Discoverable Information

16 The parties have advised their clients to preserve any electronically stored information
17 relevant to this case.

18 (H) Privilege Issues

19 *See* section. 4(D).

20 (I) Model Protocol for Discovery of ESI

21 The parties will agree on ESI discovery protocols, if necessary.

22 (J) Alternatives to Model Protocol

23 Alternatives to the Model Protocol will be discussed, if necessary.

1 **6. DISCOVERY DEADLINES**

2 The parties believe that discovery can be completed by 120 days before the trial date.

3 **7. BIFURCATION**

4 The parties do not presently see a need to bifurcate this case.

5 **8. PRETRIAL STATEMENTS AND PRETRIAL ORDER**

6 The parties believe the pretrial statements and pretrial order should be maintained.

7 **9. SHORTENING OR SIMPLIFYING CASE**

8 The parties have no other suggestions at this time for shortening or simplifying the case.

9 **10. TRIAL**

10 The parties believe this case will be ready for trial on or after June 26, 2023.

11 **11. JURY OR NON-JURY TRIAL**

12 Pursuant to the Federal Tort Claims Act, this will be a bench trial.

13 **12. NUMBER OF TRIAL DAYS**

14 The parties anticipate that 5 days will be required for trial.

15 **13. TRIAL COUNSEL**

16 Plaintiff's Counsel:

17 TYLER GOLDBERG-HOSS

18 CMG LAW

19 115 NE 100th Street, Ste. 220

20 Seattle, WA 98125

21 Phone: 206-443-8600

22 Email: tyler@cmglaw.com

23 Defendant's Counsel:

24 WHITNEY PASSMORE

Assistant United States Attorney

United States Attorney's Office

700 Stewart Street, Suite 5220

Seattle, Washington 98101-1271

Phone: 206-553-7970

Email: whitney.passmore@usdoj.gov

1 **14. AVAILABILITY OF COUNSEL**

2 Conflicts for Plaintiff's Counsel: March 6-24, 2023; March 27-April 20, 2023; May 8-19,
3 2023; June 12-16, 2023.

4 Conflicts for Defendant's Counsel: June 12-16, 2023; October 16-24, 2023, November 6-
5 10, 2023.

6 **15. SERVICE ON ALL DEFENDANT(S) OR RESPONDENT(S)**

7 Plaintiff has served the United States.

8 **16. SCHEDULING CONFERENCE**

9 No.

10 **17. CORPORATE DISCLOSURE STATEMENT**

11 None.

12 DATED this 3rd day of June, 2022.

13 Respectfully submitted,

14 NICHOLAS W. BROWN
15 United States Attorney

16 s/ Whitney Passmore
17 WHITNEY PASSMORE, FL. No. 91922
18 Assistant United States Attorney
19 United States Attorney's Office
20 700 Stewart St., Ste. 5220, Seattle, WA 98101-1271
21 Phone: 206-553-7970 / Fax: 206-553-4067
22 Email: whitney.passmore@usdoj.gov
23 Attorney for the United States of America

24 /s Tyler Goldberg-Hoss
21 TYLER GOLDBERG-HOSS, WSBA No. 41653
22 CMG Law
23 115 NE 100th St., Ste. 220, Seattle, WA 98125
24 Phone: 206-443-8600
 Email: tyler@cmglaw.com
 Attorney for Plaintiff